

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

HARRY ARMSTRONG,	:	Case No.: C-1-01-817
	:	
Plaintiff,	:	Judge Spiegel
	:	Mag. Judge Sherman
v.	:	<b>DEFENDANT CINCINNATI BELL</b>
	:	<b>TELEPHONE'S MOTION FOR SUMMARY</b>
	:	<b>JUDGMENT</b>
	:	
CINCINNATI BELL TELEPHONE,	:	
	:	
Defendant.	:	

Pursuant to Fed. R. Civ. P. 56, Defendant Cincinnati Bell Telephone Company ("Cincinnati Bell") hereby moves for summary judgment with respect to all of the claims asserted by Plaintiff Harry Armstrong ("Armstrong") in this action. Armstrong admits he threatened violence in Cincinnati Bell's workplace. Cincinnati Bell terminated Armstrong's employment because of these threats. Armstrong cannot state a *prima facie* case for intentional discrimination, and even if he could, there is no evidence to suggest that Cincinnati Bell's actions were a pretext for unlawful discrimination. Armstrong's state law discrimination claims pursuant to Chapter 4112 of the Ohio Revised Code are barred on additional, independent grounds. There are no genuine issues of material fact and Cincinnati Bell is entitled to judgment

as a matter of law. The grounds for this motion are supported by Cincinnati Bell's Memorandum in Support and the evidence in the record.

Respectfully submitted,

s/ Katherine C. Morgan

Katherine Cook Morgan (0068184)

David A. Skidmore, Jr. (0056045)

FROST BROWN TODD LLC

2200 PNC Center

201 East Fifth Street

Cincinnati, Ohio 45202-4182

(513) 651-6800

kmorgan@fbtlaw.com

Trial Attorneys for Defendant Cincinnati Bell  
Telephone Company

**CERTIFICATE OF SERVICE**

I hereby certify that on September 30, 2003 a copy of the foregoing, Defendant Cincinnati Bell Telephone's Motion for Summary Judgment, was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system and copies will be mailed via U.S. Mail to those parties who are not served via the Court's electronic filing system. Parties may access this filing through the Court's system.

Respectfully submitted,

s/ Katherine C. Morgan

Katherine Cook Morgan (0068184)

David A. Skidmore, Jr. (0056045)

FROST BROWN TODD LLC

2200 PNC Center

201 East Fifth Street

Cincinnati, Ohio 45202-4182

(513) 651-6800

kmorgan@fbtlaw.com

Trial Attorneys for Defendant Cincinnati Bell  
Telephone Company

CinLibrary/1326785.1